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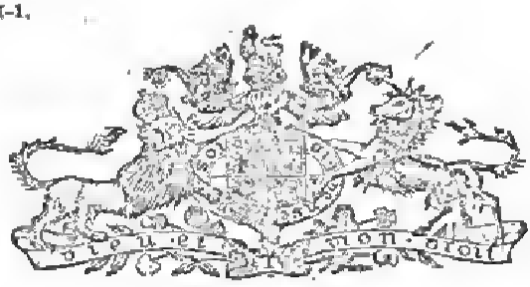

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY.

Published by Authority.

No. 6.] MADRAS, SUNDAY, MAY 30, 1920. [Price, 3as. 6p.

PUBLIC DEPARTMENT.

NOTIFICATION.

OOTACAMUND, THE 29TH MAY 1920.

No. 109.—The Report of the Committee which was appointed in Resolution No. 2101, dated the 14th October 1919, to investigate the disturbances in Bombay, Delhi and the Punjab has been published. The following correspondence which has passed between the Secretary of State and the Government of India regarding the findings of the Committee and the action to be taken on the Report is published for general information:—

GOVERNMENT OF INDIA, HOME DEPARTMENT.

POLITICAL.

No. 2.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Dated Simla, the 3rd May 1920.

SIR,

We submit for your information and for any orders His Majesty's Government may desire to issue the report which was presented on the 8th March 1920 by the Disorders Committee, together with our review of the report and our conclusions thereon. In the ordinary course the report would have been published with a resolution of the Government of India in the Home Department, but we consider the subject so important that after discussion with you we have decided that it is best to communicate to you our views and findings on the report for the information of His Majesty's Government. We desire to add that our views and conclusions are unanimous, except on those points where the dissent of our Hon'ble Colleague, Mr. Shafi, has been expressly indicated. We may also state that our Hon'ble Colleague, Sir George Lowndes, now on leave, concurred in all the conclusions we had reached up to the time of his departure.

2. In Resolution No. 2168, dated the 14th October 1919, the Governor-General in Council with the approval of the Secretary of State appointed a Committee to investigate the disturbances in Bombay, Delhi and the Punjab, their causes, and the measures taken to cope with them. The Hon'ble Lord Hunter, lately Solicitor-General

for Scotland and now Senator of the College of Justice in Scotland, was appointed President of the Committee, which consisted of the following Members :—

(1) The Hon'ble Mr. Justice G. C. RANKIN, Judge of the High Court, Calcutta.
(2) The Hon'ble Mr. W. F. RICE, C.S.I., I.C.S., Additional Secretary to the Government of India, Home Department.
(3) Major-General Sir GEORGE BARROW, K.C.B., K.C.M.G., I.A., Commanding the Peshawar Division.
(4) The Hon'ble Pandit JAGAT NARAYAN, M.A., Member of the Legislative Council of the Lieutenant-Governor of the United Provinces.
(5) The Hon'ble Mr. THOMAS SMITH, Member of the Legislative Council of the Lieutenant-Governor of the United Provinces.
(6) Sir CHIMANLAL HARILAL SETALVAD, *Kt.*, Advocate of the High Court, Bombay.
(7) Sardar Sahibzada SULTAN AHMED KHAN, MUNTAZIM-UD-DOULA, M.A., LL.M. (Cantab.), Bar.-at-law, Member for Appeals, Gwalior State.

The Committee began its sittings on the 29th October 1919 and after hearing evidence at Delhi, Lahore, Ahmedabad, and Bombay finished its labours in the first week of March 1920, when its report was presented to the Government of India.

Before reviewing the findings of the Committee we desire to make some preliminary observations regarding the scope of the enquiry, the procedure followed by the Committee in recording evidence, and the general character of its conclusions.

3. In order to obtain a general view of the character of the disturbances and of the scope of the enquiry it will be useful to explain briefly the relative geographical position of the chief centres of disorder and to refer to a few salient dates which indicate the sequence of events in point of time. It was at Delhi—the capital of India and from its historical and commercial importance a determining factor of considerable weight in the attitude of the rest of Northern India—that disturbances first occurred on the 30th March. They were of such a character as required the use of the military to restore order and before this was achieved it became necessary to fire twice on the mob. On the 10th April violent rioting took place at Amritsar and Lahore in the Punjab, and at Ahmedabad in the Presidency of Bombay, and distinct unrest manifested itself in a minor degree at places as far distant as Calcutta and Bombay. Lahore is a city of 230,000 inhabitants and the capital of the Punjab. Amritsar which is 20 miles east of Lahore is a town of more than 150,000 inhabitants and of great commercial importance. Ahmedabad has a population of roughly 280,000 and is an industrial town where 73 mills are located. The distances respectively of Lahore, Amritsar and Ahmedabad from Delhi are roughly 300, 280 and 540 miles. The situation in the Punjab after the 10th April rapidly deteriorated and martial law was proclaimed on the 15th April in the districts of Lahore and Amritsar, and shortly after in three other districts. About two weeks later a thunder cloud on the frontier burst and the mobilization of troops for the Afghan war began on the 4th May. This seriously affected the general situation in the Punjab and it was not found possible to withdrew martial law from all the districts concerned before the 12th June nor from railway lands till a later date. These were briefly the events which with their causes and consequences formed the subject matter of the Committee's enquiry.

4. The next point to which the Government of India wish to advert is the decision of the All-India Congress Committee to abstain from presenting evidence before the Committee of Enquiry. As explained by Lord Hunter in his letter of the 8th March forwarding the report of the Committee, all persons desirous of giving evidence were invited to submit their names and addresses, together with a brief memorandum of the points on which they desired to give evidence, and it was left to the Committee to decide what evidence they would hear. Lord Hunter has described the circumstances in which the Congress Committee declined after the 12th November further to assist the Committee of Enquiry by appearing before it and tendering evidence, the offer which the same body made on the 30th December to produce their evidence and re-open the enquiry, and the reasons which led Lord Hunter to reject that offer. We believe that Lord Hunter's account of the matter will convince all reasonable people that his decision was fully justified. The point, however, which we wish to emphasize—and it is one which was present to Lord

Hunter's mind also—is this, that the material placed at the disposal of the Committee and the evidence laid before it covered the whole field of enquiry. The official witnesses fully disclosed all they knew regarding the events in which they had participated and placed before the Committee all correspondence and other documentary evidence which had any bearing on the nature of the outbreak, the suppression of the disturbances, or the administration of martial law. It is a matter of regret to Government that this was not supplemented by the additional evidence which the Congress Committee had collected and that the evidence which has since been published by that body has not therefore been subjected to examination by an impartial tribunal. They are doubtful however whether it would have made any substantial difference to the general picture placed before the Committee, although it might have thrown further light on particular incidents. With regard to the firing at Jallianwala Bagh, on which the attention of the public both at home and in India has been so largely concentrated since December last, the Committee had the most ample materials for judgment and further evidence would have contributed nothing to their knowledge of the facts.

5. The Committee have now submitted their recommendations in the form of a majority and minority report. The majority report is signed by the President and four members of Committee, Mr. Justice Rankin, General Barrow, and Messrs. Rice and Smith. The minority report is signed by Sir C. H. Setalvad, Pandit Jagat Narayan and Sahibzada Sultan Ahmad Khan. While two reports have been submitted, it is a matter of satisfaction to the Government of India that most of the findings of fact are unanimous and that in spite of differences of opinion as to the conclusions to be deduced therefrom there is considerable common ground in this respect also. That common ground covers the whole of the events in Delhi and the Bombay Presidency. It also covers much of the narrative of events and the causes of the disturbances in the Punjab. Nor is the divergence in the Punjab findings altogether basic. It is partly one of degree, partly one of essential difference. Certain measures adopted in the suppression of the disturbances and the administration of martial law are condemned in both reports but with varying degrees of severity. This remark applies in particular to the joint condemnation of the firing at Jallianwala Bagh. The most important point on which there is an essential difference of opinion relates to the introduction of martial law in the Punjab. While the majority find that a state of rebellion existed, necessitating or justifying the adoption of that measure, the minority consider that the disorders did not amount to rebellion and that the disturbances might have been suppressed and order restored without abrogating the control of the civil authorities or calling in military force save as auxiliary to the civil power.

6. It will be convenient to explain at this stage the arrangement which has been followed in the reports. The first seven chapters of the majority report are devoted to accounts of the disturbances in Delhi, the Bombay Presidency, and the Punjab districts of Amritsar, Lahore, Gujranwala, Gujrat and Lyallpur. In each case the majority briefly review the disturbances and record their findings on the propriety of the measures adopted to check them and to restore order. In Chapter VIII they describe the widespread attacks on communications which have an important bearing on the general nature of the disorders. In Chapter IX they discuss the causes of the disturbances with more particular reference to the Punjab. Chapter X contains a brief description of the stages in the introduction of martial law. In Chapter XI the reasons for the introduction and continuance of martial law are considered, while Chapter XII is devoted to a criticism of the administration of martial law.

The minority report follows a somewhat different plan of arrangement. Chapter I sets forth the general extent of the minority's agreement or disagreement with the findings of the majority. The nature and causes of the disorders are discussed in Chapter II. The justification for the introduction and the continuance of martial law in the Punjab is examined in Chapter III. Chapter IV is devoted to the firing at Jallianwala Bagh. The administration of martial law is discussed in Chapter V, the use of armoured trains and aeroplanes in Chapter VI and the working of the martial law courts in Chapter VII.

Although it might have been more convenient to review at the outset the findings of the Committee regarding the causes and nature of the disturbances, we

are reluctant to depart from the general plan of the majority report, as any such departure would increase the difficulty of comparing its findings with those of the minority. We accordingly propose to examine the report chapter by chapter, to state our conclusions on the findings of the majority and minority, more particularly where these differ, and finally to explain the action which in our judgment should be taken on the report.

7. Chapter I deals with the disturbances at Delhi. The Committee are unanimous in finding that the authorities handled the situation in an adequate and reasonable manner, that there was no provocative or unnecessary display of military force, and that the firing was justified on the three occasions on which it was found necessary to resort to this extreme measure. The actual collisions between the police and mobs are found to be the by-products of the *Satyagraha* movement. The majority recognize that Mr. Gandhi's visit to Delhi after the first outbreak, if not prevented, would have been a serious embarrassment to the executive authorities there and might well have proved a source of great danger. The minority, while doubtful of the expediency of his exclusion and while thinking that his presence might have had a beneficial result, do not deny the possibility of developments endangering the public peace. The only criticism passed by the Committee on the measures adopted by the local authorities is that the Deputy Commissioner made a mistake in enrolling a number of leading citizens as special constables, though as they point out, these persons were not called on to render any services.

We accept these conclusions and have perused with satisfaction the commendation which has been bestowed by the Committee on the handling of the situation by the local officers. We do not consider that any blame attaches to the Deputy Commissioner for his appointment of special constables, as he acted in accordance with the established practice. We have, however, decided to address local Governments on the question whether the orders now obtaining on the subject in the various provinces require modification or revision. This is the more necessary as it appears that leading citizens were enrolled as special constables at other disturbed centres besides Delhi.

The Government of India consider that the events described in this chapter have an important bearing on the rest of the report, for they were the first fruits of the *Satyagraha* movement, the first collision between the forces of order and the adherents of the passive resistance or civil disobedience movement. The behaviour of the crowd on the 30th March, which rendered it necessary for the military and police to fire on two occasions cannot be ascribed to any action taken against Mr. Gandhi or local politicians. Such action has been pleaded in excuse of later mob excesses, but the internment order against Mr. Gandhi was not passed till ten days after the first outbreak of disorder at Delhi.

8. Chapter II gives an account of the disturbances in the Bombay Presidency. They were confined to Ahmedabad City and Viramgam in the Ahmedabad district, to Nadiad in the Kaira district, and to Bombay City. Viramgam is a town of 20,000 inhabitants 40 miles distant from Ahmedabad, and Nadiad, which has a population of 30,000, is 29 miles from the same city. By far the most serious outbreak of disorder occurred in Ahmedabad which is the home of Mr. Gandhi and may be described as the birthplace of the *Satyagraha* movement. The disturbances began on the 10th April as soon as the people of Ahmedabad heard of the action taken against Mr. Gandhi, and were not finally checked till the 14th, although military assistance was called in from the afternoon of the 10th. It is not necessary to follow the report of the Committee into the details of the disturbances and the measures taken to quell them but it is important to notice that for two days mob law reigned in the city and the excesses committed included two atrocious murders, brutal assaults on Europeans and Government officers, and the total destruction of the courts and other Government buildings. The efforts of the police and the military to protect the city and restore order were not successful till the military commander, with the concurrence of the District Magistrate, issued a proclamation on the 12th April, warning all people that any gathering of over ten individuals collected at one spot would be fired at, and that any single individual seen outside any house between 7 p.m. and 6 a.m. who did not stop when challenged would be shot. The last occasion on which the troops fired was midday of the 13th April and the Committee find that there was not in fact any firing without warning nor was any person fired on, who was not either rioting or encouraging

rioters. The outbreak came to an end abruptly on the 14th April and its cessation is ascribed partly to the effects of this proclamation and partly to the return of Mr. Gandhi who, be it said to his credit, used his influence with the people to assist the authorities in restoring order. During the disturbances telegraph wires were cut at eight places in Ahmedabad and at fourteen places outside, and property to the value of nine lakhs of rupees was destroyed. The number of rounds fired by the armed police and the troops was 748, and the number of ascertained casualties amongst the rioters was 28 killed and 123 wounded. The majority report comments thus on the measures taken to suppress the outbreak :—"We are of opinion that the measures taken by the authorities to deal with the disturbances were appropriate. The use of military force was unavoidable and the rioters alone were responsible for the casualties which ensued. The control of the city was in the hands of the military for less than two days and this has been referred to as a period of martial law. But beyond maintaining order and issuing the proclamation on the 12th April, the military authorities did not interfere with matters of administration. The so-called martial law orders were drastic; but the situation was most serious. The belief that all groups of more than ten men would be fired on without warning did much to restore order, and it appears that this instruction was not in fact literally carried out. We think that the troops behaved with praiseworthy restraint in most trying circumstances, and that the military action taken was not excessive. The Bombay Government have informed us that the behaviour of the military during the period that they were stationed in the city was exemplary. Our investigation leads to the same conclusion."

9. The outbreak at Viramgam was marked by the same ferocity as in Ahmedabad, by arson, murder, the destruction of Government property, and attacks on railway and telegraph communications. The fury of the mob culminated in the savage murder of Mr. Madhavlal, a magisterial officer, who after a relentless pursuit was dragged from a house where he had taken refuge to the public road, soaked in kerosene oil and burnt alive beneath piles of public records, his body being completely incinerated. The outbreak began on the morning of the 12th April and was not finally suppressed till troops arrived from Ahmedabad late on the evening of that day. The Committee find that the total ascertained casualties amongst the rioters were six killed and eleven wounded and that the value of the property destroyed by the mob exceeded two lakhs of rupees. They commend the conduct of the armed police who behaved with spirit and kept off the mob from the public offices for six hours. They consider that the force used against the rioters by the armed police and by the armed peons of the Salt Department under Mr. Caldecott was certainly not excessive, and say indeed that if greater force could have been applied at an earlier stage, an atrocious murder and much destruction of property might have been prevented. They express regret that the murderers of Mr. Madhavlal could not be brought to justice for want of adequate identification.

10. In Nadiad the chief incident was an attempt to wreck a train which was conveying British troops to Ahmedabad. The train was derailed but had a miraculous escape, as it was brought to a stand before running down a steep embankment. Several attacks were made on railway and telegraph communications, but no collision occurred between the people and the troops who were sent here as a precautionary measure.

11. In Bombay City attempts were made to create disturbances when news came of the exclusion of Mr. Gandhi from the Punjab and Delhi, but the situation was well handled by the police and the military, and with the arrival of Mr. Gandhi the disorder subsided. As the Committee were informed by the Bombay Government, "the disturbances were attended by no fatal casualties or extensive destruction of public or private property. There was no suspension of the normal course of administration or of civil control over law and order. Offences committed in the course of the disturbances were dealt with by the permanent magisterial courts. There was no serious dislocation for any considerable time of the normal life of the city."

12. The minority accept the majority report in respect of all the disturbances in the Bombay Presidency, although they consider it almost certain that the unfortunate events at Ahmedabad and elsewhere would not have taken place but for the orders passed against Mr. Gandhi, and add that according to the official evidence his influence on arrival was fully thrown on the side of law and order. They acknowledge the discretion and judgment displayed by Mr. Chatfield, the Collector of

Ahmedabad, in dealing with a sudden and grave outburst of mob fury, and compliment the local Government in the following terms. "The manner in which the Bombay Government, while firmly taking adequate steps for the maintenance of peace and order in the city of Bombay and Ahmedabad and other places, avoided taking measures likely to cause public irritation and leave bitterness behind, displayed to our mind creditable statesmanship."

13. We accept the unanimous findings of the Committee regarding the disorders in the Bombay Presidency. We also endorse the opinions which have been expressed regarding the valuable services of the local officers and the admirable behaviour of the troops engaged in the suppression of the disturbances. To this despatch it is impossible to review in detail the various outrages recorded in the report. A perusal of that document is necessary to appreciate correctly the cruelty of the mob, which was immediately directed against Europeans and Government servants. We desire to place on record our deep sympathy with all those who suffered at the hands of the mob and in particular, with the relations of the magistrate and two police officers who were done to death in so dastardly a manner. Steps have already been taken to make provision for the dependents of these persons and to ensure adequate recognition of the services of those officers and others who rendered valuable assistance in this serious outbreak.

14. In Chapter III the Committee turn to the Punjab and deal first with the disturbances in the Amritsar district. They begin by describing the unrest and ferment which prevailed in Amritsar city prior to the 10th of April, on which date the first outbreak of disorder occurred. On the 9th the Deputy Commissioner received the orders of the local Government for the deportation of Drs. Kitchlew and Satyapal to Dharmsala. The action of the Deputy Commissioner in carrying out these orders quickly and quietly is approved and the precaution of concentrating seventy-five armed police at the kotwali (police station) is commended as wise. The subsequent breakdown of this arrangement is not held to be due to any want of foresight on the part of the local officers. The Committee comment, however, on the failure to warn the European residents in the city of the danger of their position, observing that this omission seems inconsistent with the precaution taken for the evacuation of the women and children. At the same time they recognise the impossibility of predicting such an outburst of murderous antipathy against Europeans as actually occurred.

When the news of the deportation of Drs. Kitchlew and Satyapal became known, an excited and angry crowd attempted to make their way to the civil lines. The Committee find that the Deputy Commissioner was right in preventing the crowd from proceeding further in this direction, and that the firing which was ordered to secure this object was completely justified and in no way exceeded the requirements of the occasion. Similarly on the second occasion on which firing was ordered at the Hall Bridge they justify the action taken and agree that the necessity of the occasion was not exceeded.

15. The Committee then describe the violent excesses which were committed by the mob in the city. At the National Bank the manager and assistant manager were brutally beaten to death; their bodies were burnt under piles of furniture, and the building itself was sacked, set on fire, and completely gutted, while the bank godowns were looted of their contents. The Alliance Bank was next attacked and its manager was cruelly murdered, being flung from the balcony on to the street where his body was burnt under a stack of furniture soaked in kerosene oil. The building itself was spared, presumably, because it was Indian-owned. The Committee condemn the police at the kotwali for failing to take steps to prevent these outrages, holding that the officers in charge might have prevented them but failed either to grasp, or to attempt to cope with, their responsibility. The Chartered Bank which was also attacked escaped through police intervention. The Town Hall and post office were burnt and the telegraph office attacked but saved by the jemadar of the station guard who fired on the mob. The Committee hold the firing at the telegraph office to be justifiable. They proceed to describe the looting of the goods station, the murders of guard Robinson and sergeant Rowlands, the murderous attacks on Mr. Bennett and Miss Sherwood, the determined search for Mrs. Easdon the burning of various buildings including the Indian Christian Church, and the persistent efforts to injure communications and isolate Amritsar. The mob violence is described as anti-Government and anti-European and the gravity of the situation is made abundantly clear. In the

course of a single day property to the value of seventeen lakhs of rupees was destroyed.

16. Later that day reinforcements in the shape of troops arrived and in the evening the Commissioner of the Division gave verbal instructions to the commanding officer that as the situation was beyond civil control he, as senior military officer, should take such steps as the military situation demanded. On the evening of the 11th the Commissioner left for Lahore and General Dyer arrived at Amritsar where he took over charge of the troops. The Deputy Commissioner made over formal charge to him at midnight of that day. Generally speaking, the Committee find no serious ground for criticism in regard to the action taken before the 13th April. The general conclusion of the Committee is that between the 10th and 12th the civil authorities had become powerless, and that the state of affairs on the 11th was inevitably leading to a state of *de facto* martial law, that the authorities were justified in the measures which they took to suppress disorder, including the cutting off of light and water supplies, and that they acted wisely in not attempting to take sterner and more resolute action to regain control within the city on the 11th and 12th.

17. The minority say that they are in general agreement with the statement of facts set out in Chapter III of the majority report, except where they specifically differ. They agree that all the firing which took place on the 10th April was justified and they differ on one point only. While the majority say that the firing at the bridge was in no sense the cause of the mob excesses of the 10th, the minority hold that, although the excesses were altogether inexcusable and without justification, the mob had not any previous fixed intention of committing excesses, but after the firing lost their heads and were seized by a mad frenzy to commit nefarious deeds.

18. We desire at this point to review the situation and the measures taken at Amritsar up to and including the 12th April. We endorse the finding of the Committee that the situation was one of great difficulty and consider that the action taken by the authorities was generally justified. We think, however, it is to be regretted that the civil authorities considered it incumbent upon them, before the proclamation of martial law, to hand over control to the military in such terms as to suggest that they did not intend to exercise supervision or guidance over the action of the military commander. The result was to place the latter in a position of great difficulty and to impose upon him a grave responsibility which, in the opinion of the Government of India, should have continued to be shared by the civil authorities up to a later stage. It is not clear who was actually responsible for the complete abdication of civil authority, but the Government of India propose to make further enquiry into this matter and to pass such orders as may be necessary.

19. The Committee next deal with the events at Jallianwala Bagh on the 13th. They describe the place and give a full account of all the facts and circumstances of the firing, stating the number of rounds fired—1,650, and the extent of the casualties, the dead being estimated at 379 and the wounded at three times that number. They criticise General Dyer adversely on two grounds, (1) that he opened fire without warning, and (2) that he went on firing after the crowd had begun to disperse. On the first point, they say that the only person who can judge whether notice should properly be given on such an occasion is the military officer concerned. The Committee point out however that General Dyer does not suggest the existence of an emergency justifying his decision to fire on the crowd without warning. He stated before the Committee that his mind was made up as he came along that if his orders were disobeyed he was going to fire at once. They think it distinctly improbable that the crowd would have dispersed without being fired on, as most of these present had assembled in direct defiance of a proclamation. Nevertheless they say that notice would have afforded those who had assembled in ignorance of the proclamation and others an opportunity to leave the assembly. In continuing to fire as long as he did, even after the crowd had begun to disperse, General Dyer, in the opinion of the Committee, committed a grave error, though they consider that he honestly believed on the information then before him and his appreciation of the existing military situation that he was called upon to take this step in the discharge of his duty. They find further that it was his intention to create a moral effect throughout the Punjab and they condemn this as a mistaken conception of his duty. As regards General Dyer's failure to attend to the wounded, they say that he had a

very small force with him and, as he explained, the hospitals were open and no application was made to him for help. In conclusion, they do not accept the view that General Dyer's action saved the situation in the Punjab and averted a rebellion on a scale similar to the mutiny.

20. In dealing with the events of Jallianwala Bagh, the minority find that the notice prohibiting the meeting was not adequately published and they criticise General Dyer severely, (1) for suggesting that he would have made use of machine guns if they could have been brought into action, (2) for opening fire without warning and continuing after the crowd had begun to disperse until his ammunition was spent, (3) for firing not merely to disperse the crowd but to punish it and to produce a moral effect in the Punjab, and (4) for assuming that the crowd before him consisted of the persons guilty of the outrages of the 10th. They maintain that it is immaterial whether General Dyer thought he was doing right or not and that the plea of military necessity will not avail him, as this plea is always used in justification of Prussian atrocities. They do not agree with the majority that it was probable that the crowd could not have been dispersed without firing, citing General Dyer himself in support of their opinion: and they describe his action as inhuman and un-British and as having caused great disservice to British rule in India. They attribute his conduct to a fixed idea that India must be ruled by force and they condemn his action in not taking steps for the removal of the dead and the care of the wounded. Finally, they criticise the failure of the Punjab Government to ascertain without delay the number of casualties. It should be here stated that the result of official enquiries which included a careful scrutiny of the information gathered by the Sewa Samiti (a Social Service Society) places the figures at 379 killed and 192 wounded. It is almost certain that the latter figure omits many who were only slightly wounded, but as an estimate of the more serious casualties the combined figure is probably nearer the truth than any estimate based only on a rule of proportion, such as that stated by General Dyer in his evidence before the Committee to be not beyond the bounds of possibility.

21. The difference in the measure of condemnation of General Dyer by the majority and the minority and the attention which has been directed to the events at Jallianwala Bagh both in England and in India, necessitate a careful examination by Government of the extent to which General Dyer should be held to be blameworthy. Looking to the specific findings on which the condemnation of his action is based, we consider that the orders prohibiting assemblies should have been promulgated more widely and in particular that notices might have been posted up at Jallianwala Bagh, which had become a favourite assembly ground for political meetings. We think also that notice might have been given at the Baisakhi fair where many people from villages in the vicinity had collected. At the same time it is the case that the proclamation was made by beat of drum in the presence of General Dyer himself, and notices were published at nineteen places in the city: it cannot therefore be doubted that most of the residents of Amritsar present at the meeting were aware of the orders and collected in defiance of them.

The Government of India agree with the Committee that General Dyer should have given warning to the crowd before opening fire. It is true that he had only a small force with him and that in view of this circumstance and the previous successes of the forces of disorder it is most improbable that an excited and defiant mob would have dispersed on a mere warning, but those ignorant of the order, including the villagers who had come to visit the Baisakhi fair, and indeed others would have had an opportunity of leaving the assembly if reasonable notice had been given to them. The Government of India agree that there was not such an emergency existing as to render this precaution impossible.

General Dyer's action in continuing to fire on the crowd after it had begun to disperse was, in the opinion of the Government of India, indefensible. He fired continuously for ten minutes during which time 1,650 rounds were expended. It is probable that General Dyer's action so intimidated the lawless elements in the population of Amritsar and neighbouring districts of the Central Punjab as to prevent further manifestations of disorder. The Government of India cannot however accept this as a justification of the continued firing which greatly exceeded the necessity of the occasion. The dispersal of the crowd was indeed a matter of vital importance in view of the situation which then

existed in Amritsar and stern measures to effect this end were certainly required. In our opinion however much more restricted military force would have sufficed to produce this effect and General Dyer's action has undoubtedly left behind bitterness of feeling which will take long to pass away. He was no doubt faced with a position of great difficulty: he was apprehensive of Amritsar being isolated and he had before him the danger of allowing mob rule to continue after the terrible events of the 10th. Giving all due weight to these considerations, the deliberate conclusion at which we have arrived is that General Dyer exceeded the reasonable requirements of the case and showed a misconception of his duty which resulted in a lamentable and unnecessary loss of life. Although we are constrained to this decision, we are convinced that General Dyer acted honestly in the belief that he was doing what was right and we think that in the result his action at the time checked the spread of the disturbances to an extent which it is difficult now to estimate. This was the opinion of many intelligent observers in the Punjab. There remains the question of the failure to arrange for medical aid after the firing at Jallianwala Bagh. Here too we must express our great regret that no action was taken either by the civil or the military authorities to remove the dead or give aid to the wounded. The minority criticize Sir Michael O'Dwyer for expressing approval of the action taken at Jallianwala Bagh On this point the Government of India have little to add to the account given by the late Lieutenant-Governor of the circumstances in which his approval was conveyed, but making every allowance for the difficult position in which Sir Michael O'Dwyer was placed, the Government of India think that he would have acted more wisely, if, before expressing any approval of General Dyer's action on this occasion, he had taken steps to ascertain the facts and circumstances of the firing more fully.

We desire to add here that our Honourable Colleague Mr. Shafi agrees generally with the minority in their findings of fact as regards Amritsar and the inferences deduced therefrom, where these differ from the findings and conclusions of the majority. He rejects the theory that General Dyer's action at Jallianwala Bagh saved the situation in the Punjab and averted a rebellion on a scale similar to that of the Mutiny In his opinion the disturbances on and after the 14th of April in the districts of Gujranwala, Gujrat and Lyallpur were the results of the commotion caused by the Jallianwala Bagh affair.

22. We cannot leave this tragic occurrence without adverting to the charge that a veil of secrecy was deliberately thrown around it, the public being left to infer that the sinister policy of concealment has only been foiled by the revelations made before the Committee of enquiry in December last. The insinuation is devoid of foundation. When the outbreaks of disorder occurred, the immediate necessity was to quell them and restore order At a very early stage His Excellency the Viceroy decided that it was incumbent upon Government to hold an enquiry into the disturbances and the administration of martial law. In this opinion you concurred and in the third week of May in a speech in the House of Commons you made the following announcement:—

> "As regards these troubles which I have been describing, as questions have been asked from time to time and resolutions have been moved demanding an enquiry, the Viceroy has always contemplated an enquiry. You cannot have disturbances of this magnitude without an enquiry into the causes and the measures taken to cope with these disturbances, but no announcement has been made of enquiry up to this moment for this reason; let us talk of an enquiry when we have put the fire out."

This announcement is entirely incompatible with the suggestion of a conspiracy on the part of either the Government of India or the Secretary of State to suppress or conceal the details of the occurrence.

As a result of further communications between us the present Committee was appointed. The question of the composition of the Committee received the most careful consideration, as Government were determined that it should be a body of commanding weight and high judicial experience in which perfect confidence could be reposed by the public, both at home and in India. An announcement of the impending appointment of the Committee was made in the Imperial Legislative Council during its autumn session of September last. Apart from a general enquiry

of this character the question whether the investigation of particular incidents should be deferred till the Committee assembled or should form the subject of preliminary proceedings had been carefully considered. Finally, however, we decided with your concurrence that such preliminary enquiries were inadvisable.

In considering whether preliminary enquiries should be held, the case of Jallianwala Bagh had received prominent notice, and after the decision the collection of information continued. The first report of the firing on the crowd at Jallianwala Bagh received by the Government of India on the 14th April placed the casualties at 200. This was supplemented two days later by a report that 200 was the number of killed. These reports were at once repeated to the Secretary of State. Fuller reports were not received till a later date. In the second half of April, General Dyer was fully occupied in marching troops throughout the disturbed area. Very early in May, owing to the outbreak of the Afghan war, he was selected for the command of the Kohat Brigade. From that date till the end of July he was continuously engaged in field operations; and his detailed report on the administration of martial law in Amritsar, including the firing at Jallianwala Bagh, was not received till the month of August. Meanwhile the Local Government had been pursuing enquiries to obtain accurate statistics regarding the extent of the casualties. The information elicited up to the end of August, which was confirmed by a scrutiny of the results of private enquiries made by the Sewa Samiti, showed that the ascertained death roll was then 291 and this was the figure stated at the meeting of the Imperial Legislative Council held in Simla on the 11th September. During this same session of the Council full accounts were given of the happenings in the Punjab and the story of Jallianwala Bagh was discussed in great detail. The proceedings of the debate were fully reported and published in the usual manner and indeed attracted great attention in India. The official enquiries, however, continued, and when the Chief Secretary to the Punjab Government gave evidence before the Committee four months later he stated that the total number of death casualties as then ascertained was 379, while a more recent report of the Local Government, based on a scrutiny of the Sewa Samiti's information, places the number of wounded at 192.

From the time that it was decided to appoint the Committee, Government thought it proper to avoid as far as possible making any public comments on the transactions which it was the duty of the Committee to examine and to refrain from passing any judgment on the conduct of individual officers until they received the report of that body. There is no justification for the allegation that from the date of these occurrences until the publication of General Dyer's evidence before the Committee, the Government of India had been guilty of following a policy of deliberate suppression of the truth. The facts stated above clearly refute this libel.

It is no doubt a matter for regret that without resort to a formal enquiry full knowledge of what actually occurred should not have become general earlier. But the chapter is closed, and as Government and the public both in India and the United Kingdom are now in complete possession of the facts, recriminations and regrets serve no useful purpose.

23. Chapter IV deals with the disorders in the Lahore district. In the Capital itself the agitation against the Rowlatt Bills and the complete *hartal* of the 6th April had worked the people up to a state of intense excitement, which the news of Mr. Gandhi's arrest and of the disturbances at Amritsar brought to a head on the afternoon of the 10th. Crowds assembled in the city and endeavoured to overpower the police when the latter opposed their advance towards the civil lines. The Committee have carefully considered the circumstances under which fire was opened on this mob under the orders of the District Magistrate, Mr. Fyson, and the Superintendent of Police, Mr. Broadway, on three occasions in the course of that afternoon, and they fully approve the action taken by these two officers. The Government of India are unable to think that any other conclusion is possible. The outrages at Amritsar were known at the time to the mob when it was proceeding to the civil lines and it would have been suicidal to allow it to succeed in its endeavour. The position in Lahore, after these attempts of the crowd to enter the civil lines had been repelled, is thus described by the Committee:—

> "On the night of 10th April and for some days following, City of Lahore was in a dangerously disturbed condition. Military measures were taken on that night to protect the civil station and its surroundings. No European could safely enter the city, from which the police were

temporarily withdrawn. For about two days the city was controlled by the mob."

The Committee then describe the events of the 11th, the inflammatory speeches delivered at the Badshahi mosque to excited crowds of Hindus and Muhammadans, the organization of the *Danda Fauj*, a band of hooligans, who marched through the city armed with sticks (*lathis*) and destroyed pictures of Their Majesties, shouting that King George was dead. Attempts were made on the morning of the 11th to pull down the railings at the Fort, where some of the rioters spat at the British soldiers on guard and called them "white pigs". On the same day the railway workshop was attacked and determined efforts were made to bring about a strike amongst the workers. On the 12th another meeting was held at the Badshahi mosque, when an officer of the Criminal Investigation Department was severely beaten by the mob. On the same day a mixed column of police and military was marched through the city in an effort to regain control of the situation. The march was hindered by large crowds, assembled at the Hira Mandi, who refused to disperse when so directed by the District Magistrate and began to stone the small advance force of police which was with him. Mr. Fyson was obliged to open fire with the result that one man was killed and twenty wounded. The Committee consider that it was essential on this day to disperse the crowd and that it would have been the end of all chance of restoring order in Lahore if the police and troops had left without dispersing it. All the firing was done by the police. The fact that the police, armed with buckshot, were made to take the brunt of the collision with the crowd instead of the troops with service ammunition, the small number of shots fired by the police, and the warnings given to the crowd, showed, in the opinion of the Committee, that the greatest care was taken and the least possible degree of force was used.

Special attention is invited by the Committee to the use of inflammatory and seditious posters in Lahore, which in the name of Mahatma Gandhi called upon the brave people of the Punjab to enlist in the *Danda Fauj* and kill the English who were described as pigs, monkeys and kafirs. On the 13th April the district was proclaimed under the Seditious Meetings Act. On the same date the station of Wagah, about 14 miles off, was burnt and sacked, telegraph lines cut and an armoured train derailed, fortunately without loss of life. On the 14th the Punjab Government deported the local leaders, Rambhaj Dutt, Har Kishan Lal and Duni Chand, who had been actively associated with the agitation and the still-continuing *hartal*; all these men were convicted later of the offence of waging war. On the 15th April martial law was proclaimed in Lahore.

24. The second portion of Chapter IV describes the very serious disturbances which occurred on the 12th April at Kasur, a subdivisional town, 37 miles south-east of Lahore. On the morning of that day a violent mob attacked the railway station, and after destroying and burning a considerable quantity of valuable property, turned their attention to three trains which were held up near the station. Murderous attacks were made on a number of Europeans, including a lady and three children, who were travelling by these trains; some of them had miraculous escapes, but three persons were severely injured and two unfortunate warrant officers were beaten to death. Elated by their success, the mob next burnt down the post office and a civil court, and attacked the subdivisional offices where the police were obliged to fire in defence of Government property with the result that four men were killed and several wounded. The Committee uphold the decision to fire upon the mob and think indeed that it should have been fired on at an earlier stage. Troops arrived from Ferozepore on the afternoon of the 12th and averted further trouble. Outbursts of disorder occurred at two other places in Lahore district, at Khem Karan on the 12th when the railway station was attacked with some resultant damage, and at Patti, where telegraph wires were cut on the night of the 11th and the post office and railway station were attacked on the 12th.

We accept all the findings of the majority, in which the minority concur, with regard to the disturbances in Lahore district and the measures taken to suppress them. We consider that praise is due to Messrs. Fyson and Broadway for their handling of the difficult situation in Lahore city.

25. Chapter V deals with the very serious outbreak at Gujranwala which is a town of 30,000 inhabitants about 36 miles north of Lahore. There had been here as elsewhere the usual agitation against the Rowlatt Bill and a complete *hartal* was observed on the 6th April but no violence had occurred or was anticipated till

the 13th, when the news of the happenings at Amritsar and Lahore on the 10th gave rise to local excitement. That evening the authorities learnt that further demonstrations were intended next day and the acting Deputy Commissioner took such police precautions as seemed to him necessary. The Committee describe in detail the outrages which were committed in the town on the 14th including the attack on a train, the setting fire to the Gurukul bridge, the burning of many buildings, and numerous injuries to railway and telegraph communications. The mob had obtained complete mastery and the police were unable to stop the senseless destruction of property which occurred or to secure the safety of the European and loyal population. The post office, the revenue office, the church, and the district court were all burnt down. The jail and the police lines were attacked but were saved by the police firing. The mob then returned to the railway station, set the buildings and goods sheds on fire, and looted their contents. Those European families which had not been sent away as a precautionary measure on the previous evening were collected for safety in the treasury, which was protected by a small police guard. Communications meanwhile had been interrupted on every side, by the end of the day practically all the wires along the railway in front of the city were cut for a distance of some miles. On account of this interruption of communications, it was impossible to send ordinary military aid to Gujranwala and it was in these circumstances that the use of aeroplanes for the relief of the town was sanctioned. The police were nearly exhausted when about the three o'clock in the afternoon three aeroplanes from Lahore arrived over the town. It was not till nine o'clock that night that the first troops arrived.

The important findings of the majority regarding events at Gujranwala are (1) that Mr Heron's action in firing on the mob is entirely approved; (2) that the conduct of the acting Deputy Commissioner in refusing to allow firing when the mob attacked the post office is open to criticism; (3) that the mob was seeking to imitate what had been done at Amritsar; (4) that the decision to use bomb-carrying aeroplanes was justified in the circumstances, though recourse to the use of aeroplanes in civil disorders cannot be defended save in cases of the utmost urgency; and (5) that generally speaking, the action of the aeroplane officer, Major Carberry, was justified but that his instructions were defective. On all these points the Government of India are in entire agreement with the Committee and desire to commend Mr. Heron who behaved well in circumstances of great difficulty. The Committee find that the dropping of bombs on two outlying villages and on the Khalsa High School cannot be defended but the fault lay chiefly with the instructions given to Major Carberry and they impute no blame to him for a decision taken in the air and at the moment. They observe that the dropping of bombs on the riotous crowds within Gujranwala city was not only justified but, in their view, invaluable, and the fact that the disorders were ended long before troops arrived is in large measure attributable to this act. They say that no sufficient explanation has been given to justify the use of an aeroplane on the 15th of April for purposes of offensive action, and they conclude by recommending that the instructions to be issued to Air Force officers regarding the procedure to be followed by them on such occasions should form the subject of careful enquiry by the Air Force Headquarters.

The minority discuss the employment of aeroplanes in Chapter IV which is entitled "Armoured Trains and Aeroplanes". They agree with the majority in saying that the use of aeroplanes to quell civil disorders should as far as possible be deprecated. They condemn Major Carberry for dropping bombs on the Khalsa High School and two outlying villages, and say that though the orders he received were not worded with sufficient care, he did not exercise his discretion wisely in carrying them out. They find also, that his action in firing with a machine gun on the crowd was excessive.

28. So far as the general question of the use of aeroplanes at Gujranwala is concerned, the Government of India accept the finding of the majority which is aptly expressed as follows:—"We are not prepared to lay down as a charter for rioters that when they succeed in preventing the ordinary resources of Government from being utilized to suppress them, they are to be exempt from having to reckon with such resources as remain." We do not consider that it would be right to censure the officers who have been mentioned in connexion with individual incidents, as their acts, where condemned, are more to be ascribed to want of clearness in their instructions than to errors of judgment. We think that the despatch of aeroplanes on the 15th under instructions which admitted of their being used for offensive action

was not justified but we do not consider that the officer who carried out the instructions was seriously to blame. We note, however, with satisfaction that, so far as known, no casualties resulted from the action taken on this date. Finally, we propose to take steps to give effect to the recommendation of the majority that the instructions to be issued to Air Force officers on such occasions should be carefully prescribed

27. There were outbreaks of disorder at fourteen other places in the Gujranwala district, but the Committee discuss those only which occurred at Wazirabad, a town of 20,000 inhabitants 20 miles north of Gujranwala, at Akalgarh, and Hafizabad, and in the Sheikhupura subdivision. At Wazirabad a riotous mob was repelled from the railway buildings, but did extensive damage to the telegraph system. It also set fire to railway bridges, sacked and burnt the bungalow of a Scotch missionary, and made an unsuccessful attempt to wreck the mail train. At Akalgarh and Hafizabad extensive damage was done to the telegraph wires, and at the latter place an officer of the Military Farms Department had a fortunate escape from the murderous intentions of a threatening crowd. In the Sheikhupura subdivision persistent and determined attacks on the telegraph and railway systems were made at Chuharkhana, Sheikhupura, Sangla and other places, at least three railway stations being destroyed, while savage assaults were made on certain railway employees and Government servants. An armoured train was sent to the rescue from Lahore, and fire was opened from this at Chuharkhana under the orders of Rai Sahib Lala Sri Ram Sud, Extra Assistant Commissioner of Sharakpur. The Committee find that this officer acted in a difficult situation with promptitude and decision. The minority take a different view and condemn him on the ground that his intention was punishment and that the firing was therefore not justified. The Government of India accept the opinions of the majority in all matters arising out of the disturbances at these places and agree with them that Lala Sri Ram Sud displayed promptitude and decision in the discharge of his duties.

28. Chapters VI and VII describe the events which occurred in the Gujrat and Lyallpur districts respectively. The chief features of the disturbances in these areas were attacks on railway communications and telegraph wires At Gujrat on the 15th April fire had to be opened on a riotous mob which was dispersed without casualties At Malakwal a train was derailed on the 17th April and two lives were lost. In Lyallpur a very disquieting and prominent feature was the continued exhibition of posters of an inflammatory and criminal character. Indians were called upon, in the blessed name of Mahatma Gandhi, to fight to the death against English cheats and to dishonour English women. Great tension existed for several days and the situation at Lyallpur was an anxiety to Government on account of the memories of the previous troubles of 1907. The position was so serious that the Europeans in the station were collected for safety in two houses in the civil lines, but no actual violence occurred except the cutting of telegraph wires at a few places in the district. The arrival of troops on the 17th April prevented any further disorder.

The Committee have not described in detail the acts of violence and disorder which occurred in many other towns and places in the Punjab, but these are set forth in the chronological statement annexed to the report and it is necessary to bear them in mind in considering the position as it appeared to the local Government when the proclamation of martial law was recommended.

29. Chapter VIII describes the persistent and widespread attacks on the railway and telegraph systems, which continued from the 10th April till about the end of the month. According to a report of the Telegraph Department, the wires were cut or tampered with on 55 occasions, but there were besides numerous attacks on railway telegraphs and the total number of outrages of this class cited by the Home Member at a Council meeting in September last according to a statement of the Punjab Government was 132. The Committee ascribe the attacks on communications partly to anti-Government feeling and partly to the desire to prevent the movement of troops. They also refer to the persistent attempts which were made to incite the railway staff to strike The unrest prevailing amongst certain sections of the staff was a cause of great anxiety to Government at this critical time.

The importance of this chapter lies in the close bearing it has on the question of the justification for the introduction and continuance of martial law. The significance of the statistics of railway and telegraph interruptions is brought forcibly home by the maps attached to the report. These indicate the extended area over which this class of offence was committed, giving rise to a suspicion of preconcerted action.

30. In Chapter IX the Committee discuss the causes of the disturbances and say that an adequate explanation of the general and widespread outbreaks in the Punjab must be sought in the causes of a general state of unrest and discontent amongst the people, particularly the inhabitants of the larger towns. The increased interest in political agitation caused in recent years by the Home Rule movement received a great impetus from the new doctrine of self-determination. Meanwhile however the restrictions imposed under the Defence of India Act were becoming more essential, as the war drew to its climax. These restrictions affected the daily life of the ordinary citizen much more lightly in India than in Europe; nevertheless, particularly when imposed on political agitation, they were, however necessary, the more galling to the educated classes, in view of the fact that the political future of India was under consideration. The Punjab was meanwhile doing more than its share to respond to the call of the Empire for recruits for the army, and the strain was falling mainly on the country districts, which the local Government considered it necessary to protect from any anti-Government agitation likely to hamper the work of recruitment. After the conclusion of the Armistice in November 1918 hopes rose high amongst the educated classes that the services rendered by India in the war would receive immediate recognition. But these hopes were not at once fulfilled and disappointment was caused by a combination of circumstances, such as high prices, scarcity, foodstuff restrictions, and the anxieties of the peace settlement, especially as it affected Turkey.

The Committee next consider the agitation against the Rowlatt Bills. They find that this was largely, if not mainly, responsible for creating the feeling against Government which provoked such serious disorders and they cite various false rumours as to the provisions of the Bill which inflammed popular feeling. They next examine the history and progress of the *Satyagraha* movement inaugurated by Mr. Gandhi on the 24th February. After a careful review of this movement in all its aspects, the Committee find that a familiarity and sympathy with disobedience to laws was engendered by it amongst large numbers of people and that the law-abiding instincts which stand between society and outbreaks of violence were undermined at a time when their full strength was required. From its first inception the *Satyagraha* movement was condemned by prominent leaders of moderate opinion in India as likely to promote disorder and breach of the peace, and the organizer himself recognized later that in embarking on a mass movement he had underrated the forces of evil. The Committee expressly find that the recruiting campaign and the action taken in the Punjab to raise subscriptions to the war loans were not responsible for the unrest. They conclude by saying that there is no evidence that the outbreaks in the Punjab were the result of a pre-arranged conspiracy to overthrow the British Government in India by force, but that it was difficult and probably unsafe for Government not to assume that the outbreak was the result of a definite organization. Apart from the existence of any deeply laid scheme to overthrow the British, a movement which had started in rioting and become a rebellion might have rapidly developed into a revolution.

31. In the introductory chapter of their report the minority state that they are in substantial agreement with the findings of the majority as regards the causes of the disturbances, with this reservation that they do not concur in the opinion that the Punjab authorities were justified in assuming that the outbreak was the result of a definite organization. They are unable to agree that the riots were in the nature of a rebellion and they say that it is an unjustifiable exaggeration to suggest that the events might have developed into a revolution. They entirely agree with the majority in their estimate of the *Satyagraha* movement and its off-shoot, civil disobedience of laws. They develop their views on the real character of the disorders, including their causes, more fully in Chapter II of their report. Here they refer to the general conditions existing in the beginning of 1919, the strain placed on India by her war efforts, the hardship of high-prices, the inconveniences and restraints imposed by war measures, the hope of alleviation excited by the armistice, and the subsequent disappointment caused by famine, epidemic, and a more stringent Income-tax Act, the belief that the proposals of the Government of India as regards the reform scheme were illiberal and intended to whittle it down, and the delay of the Turkish settlement. They argue that many of the foregoing causes affected the Punjab more than other provinces and they instance other special factors such as war weariness, foodstuff and traffic restrictions, Sir Michael O'Dwyer's speeches, press restrictions,

the orders prohibiting the entry into the province of outside politicians, all tended to cause general irritation amongst the educated classes. While refraining from any discussion of the merits of the Rowlatt Act they hold that its introduction and enactment in the face of Indian opinion was a fertile source of discontent which was fostered by misrepresentations in the Punjab. They assert that Indian leaders were not responsible for these misrepresentations, and they condemn Government for failing to explain the Act to the masses until after the *hartal* of April the 6th, although misrepresentations were current before that date. They accept the estimate of the *Satyagraha* movement formed by the majority, but they disclaim the view that the disorders in the Punjab can be attributed to any active presentation of the *Satyagraha* doctrine by organizations working within the province. They find that there was no organization to bring about disturbances and they quote the evidence of various official witnesses in support of this conclusion. The anti-British and anti-Government outbursts which occurred were in their opinion purely the result of sudden mob frenzy. The minority conclude that although there was thus no evidence of organized conspiracy in the Punjab, the civil and military authorities persuaded themselves that open rebellion existed and took action accordingly.

32. The Government of India accept the findings of the Committee regarding the causes of the disturbances. The minority as stated above, are in substantial agreement with the majority on this subject. Of the causes specially mentioned by the minority they agree that epidemics and a new Income-tax Act were factors in the unrest, and this latter cause may have counted in part for the extent to which the movement enlisted the sympathy of the trading classes. The despatches containing the views of the Government of India on the Reform proposals were not published till long after the disturbances, and if, as is suggested by the minority, the supposed attitude of the Government was a cause of unrest this must have been due to deliberate misrepresentation. Moreover, so far as is known, no such allegations were made either in the press or on the public platform before the disorders actually broke out. The minority assign as one of the causes of the unrest which preceded the outbreak in the Punjab the attitude of Sir Michael O'Dwyer towards the educated classes and the resentment which they allege was produced thereby. The efforts made by the larger land-owners and men of leading in rural areas to promote recruiting during the war had brought these classes into prominence and had secured a generous recognition from the local Government. For this and other reasons a tendency had sprung up towards cleavage between the rural classes and the trading and professional classes from which the intelligentsia is mainly drawn. This may have created amongst the latter an impression that their political influence was being curtailed. The Government of India agree with the Committee that misrepresentations of the Rowlatt Act were an important cause of the outbreak. Such misrepresentations were freely circulated and their harmful effects were incalculable. Government were unaware of the dissemination of these malicious falsehoods until the beginning of April when they at once took action to contradict them. It is unfortunate that neither in the press nor on the public platform did those who attacked the Act endeavour to remove the effects of these misrepresentations. Whether it is correct or not to say, as the minority do, that the disorders in the Punjab were not due to any active presentation of the *Satyagraha* doctrine within the province, we must place on record our belief that many of those who joined the *Satyagraha* movement did so with the intention of using it for the purpose of promoting disorder. Finally we desire to observe that the opinion of the minority regarding the nature of the disorders is discounted by their findings of fact, while the conclusion of the majority that a movement which started in rioting became a rebellion is supported by the conviction before various tribunals of a large number of persons for the offence of waging war against the King. These convictions, in the opinion of the Government of India, are of great importance in reaching a decision as to the true character of the disorders.

But whatever the truth may be as to the causes which produced these disorders and grave as the outbreak was in its nature and effects, it must not be forgotten that the loyalty of India as a whole remained unshaken and that even in the Punjab the bulk of the population maintained its reputation and did not fall a victim to the infection which so disastrously affected a portion of it.

33. There is one point in the discussion of causes to which the Government of India desire to advert at greater length. It has been represented that the action

taken by Government against prominent politicians, such as Mr. Gandhi and Drs. Kitchlew and Satyapal, was the cause and not merely the occasion of the disturbances. This is sufficiently disproved by the fact already pointed out that the *Satyagraha* movement had led to grave disorders in Delhi long before any such action was taken. But the circumstances in which Mr. Gandhi was excluded from Delhi and the Punjab deserve fuller examination.

The situation about the end of March has already been described. The acute state of tension which continued in Delhi for some days after the outbreak of the 30th March greatly increased the potentialities of danger of the *Satyagraha* movement in other parts of India, where the news of the Delhi rioting caused great excitement. The events of that date might indeed well have conveyed to the promoters of the movement a warning of the dangers which were attendant on their propaganda, but actually they were far from doing so. The agitation accompanied by increasing excitement continued unchecked all over the country.

It was at this critical juncture that we received information that Mr. Gandhi had vigorously renewed his campaign of civil disobedience to the laws, and on the 9th we heard that he had left Bombay for Delhi on the previous evening. Immediately on receiving this news, we consulted the Lieutenant-Governor of the Punjab and the Chief Commissioner of Delhi. Both these officers considered that the situation had become serious and that it would be most dangerous to allow Mr. Gandhi to enter their jurisdictions. His avowed intention was to break the law of the land and to secure adherents to the *Satyagraha* movement. His arrest and prosecution in the Punjab would in all probability have been the signal for an outbreak, and the enlistment of any large number of supporters to his movement in that province would almost certainly have led to an immediate campaign of active resistance and outrage. The Chief Commissioner considered that an order merely prohibiting Mr. Gandhi from entering Delhi would be very dangerous, as the only method of enforcing it would be to arrest, detain and prosecute him in that city. On the other hand, if he were allowed to enter Delhi, it was most probable that he would break the law there and would have to be arrested and tried for an offence, with the result that there would almost certainly be a recurrence of the recent serious rioting. In these circumstances the Government of India authorised the local Governments of the Punjab and Delhi to issue orders under rule 3 (5) of the Defence of India Rules, directing Mr. Gandhi to remain in the Bombay Presidency. The Government of India then considered, and still consider, that this course was amply justified in view of the fact that Mr. Gandhi was the leading spirit in a movement intended to paralyze Government.

34. In the same way it has been suggested that the action of the Punjab Government in ordering the deportation of Drs. Kitchlew and Satyapal on the 10th April was a provocative act leading direct to the subsequent outrages. Previous orders had been passed prohibiting them from speaking in public, and it is true that they had not taken an open part in the meetings immediately preceding the *hartal* of the 6th April. But as the evidence subsequently taken before the martial law commission showed, they held secret meetings after that date and continued to direct an agitation which was found to be of the nature of a criminal conspiracy. It was in these circumstances that the local Government decided to remove them from Amritsar to Dharamsala. That outrages followed as soon as the news of the deportation became known is of course the case. But it is always a question of the greatest difficulty to judge whether preventive steps such as those taken will, in a time of great popular excitement, quiet the general atmosphere or precipitate disorder. The probability seemed to be that they would achieve the former result.

35. Chapter X of the Report contains a statement of the facts regarding the successive stages in the application of martial law. Chapter XI discusses the propriety of its introduction and continuance. The majority of the Committee, as already mentioned, definitely find that a state of rebellion against Government existed. They review the various occurrences, indicate the broad features of the disorders and their significance, point out the danger of criticising isolated events and examine the whole position as it presented itself to the Punjab Government and the Government of India. Finally they conclude that the situation in the Punjab was one of extreme gravity and that the authorities were justified in declaring martial law in those areas where it was proclaimed.

The wisdom of continuing martial law is discussed at some length, and the prolongation of it on the railway is examined with special reference to the Afghan War. The conclusion of the majority is that those responsible for the continuance of martial law gave careful and considerate judgment to the question and did not prolong it beyond the time during which to the best of their judgment it was necessary for the maintenance and restoration of order in the province. Looking to the problem with which Government was faced, the Committee do not think they would be justified in adversely criticising the decision. On the question of the enforcement and continuance of martial law the minority differ widely from the majority. They find that the introduction of martial law was not necessary, because in their opinion order had been restored everywhere and the authority of Government vindicated before martial law was applied. They think that order could have been restored by the civil power with the aid of the military, and that the Punjab Government persuaded themselves rather easily that martial law was necessary. The reasons for the continuance of martial law are also examined and rejected. Assuming that the introduction of martial law was necessary they say that it ought not to have been continued beyond a few days. The Punjab Government, they think, approached the question from a wrong point of view and the Government of India were guided by the local Government.

36 -In considering the necessity for the declaration of martial law it is difficult for the Government of India to take an entirely detached view. We were necessarily guided by the information forwarded by the local Government: we had already received reports of grave disorders occurring in various places: and we maintain the view that with this information before us, we could not have taken any other course than we actually adopted, when we received from Lahore on the afternoon of the 15th April the wireless message which ran as follows:—"Railway stations between Kasur and Amritsar looted. British soldier killed and two British officers injured at Kasur. Bands of rebels reported on move—Kasur and Tarn Taran treasuries attacked. State of open rebellion exists in parts of districts of Lahore and Amritsar. Lieutenant-Governor with concurrence of General Officer Commanding, 16th Division, and Chief Justice of the High Court, requests Governor-General in Council to suspend functions of ordinary Criminal Courts in Amritsar and Lahore Districts, to establish martial law therein, and to direct trials of offenders under section 22, Regulation X of 1804. Section 4 will be borne in mind. Situation is critical. Moveable column starts on march from Ferozepore to Amritsar through worst tract with guns to-morrow."

The action of the Government of India has now been justified by the findings of the majority of the Committee, who also exonerate the local Government from all blame. The minority accept the findings of fact as to the number of outrages committed, the animus of those engaged in the riots, the violence used and the number of times on which it was necessary to resort to firing; they also observe that the acts of some of those who took part in the disorders may have amounted in law to waging war against the King, although it was not rebellion in the sense in which that term is ordinarily used. These findings, in the opinion of the Government of India, detract largely from the force of their conclusion that the introduction of martial law was not necessary. In regard to the continuance of martial law the Government of India have nothing to add to the findings of the majority beyond stating that although martial law was maintained on the railways for a prolonged period owing to the outbreak of the Afghan War it was only employed there after it had been withdrawn from the districts, for the purpose of controlling traffic and protecting the lines.

There is, moreover, one factor in the situation as it presented itself in April 1919 which cannot in the opinion of the Government of India be neglected without prejudice to sound judgment. At that time the British Empire was at war with Germany. Even at the present moment we are not yet at peace with all our enemies; and certainly a year ago when the treaty of peace with Germany had not yet been signed, the existence of a state of war was not a mere technicality. Allusion has already been made to the additional pre-occupation which intervened in the shape of war with Afghanistan, and the difficulties thus created were enhanced by the attitude of the frontier tribes. But at the back of and accentuating these more local difficulties was the paramount necessity of maintaining at the call of the

Empire, whose needs were abated, but not extinguished, by the armistice, the resources of the Indian Dominions of His Majesty. In the face of this necessity it was impossible to contemplate any policy which involved an appreciable risk of delay in the restoration of normal conditions or of the recrudescence of the disorders which appeared to have been suppressed.

We desire to add here that our Hon'ble Colleague, Mr. Shafi, dissents from the finding of the majority of the Committee, accepted by us, that the declaration of martial law was necessary. In his opinion, there being no organized or preconceived conspiracy to subvert British rule behind these disturbances, the vast rural tracts in the five districts concerned having remained tranquil and loyal, there having been disturbances only in a few places in the urban area, and even in these few places the majority of the residents not having taken any part in the disturbances, there was no open rebellion as alleged, and no justification in consequence for the proclamation of martial law. Besides, before the date on which martial law in these districts was actually enforced, the disturbances had been quelled with the assistance rendered by the military and, in consequence, there was no justification for enforcement or maintenance of martial law on these days and after. This being the case, Mr. Shafi is of opinion that the continuance of martial law over such a long period was uncalled for.

37. Chapter XII deals with the administration of martial law, including the working and procedure of the summary courts. The majority of the Committee find that the trials were correctly described as lengthy, detailed and careful, and commend the substitution for courts martial of tribunals similar to those under the Defence of India Act. They find, however, that although arrests were made in the ordinary way, there may have been cases in which individual police officers subjected those arrested to unnecessary severity. They observe that while the number of persons arrested and not brought to trial was regrettably large and the period of detention unusually long, on the whole this difficult work was not done badly or oppressively. The disorder was so widespread and serious that its inevitable result was to strain any improvised system. In regard to the sentences passed by the martial law courts, the Committee find that there was a general feeling that they were unnecessarily severe but that this was remedied by commutations effected by the local Government. They suggest that charges for serious offences need not have been pressed in the case of minor offenders. Extensive reductions in the sentences would not then have been necessary. The Committee also find that in certain cases, e.g., those of Drs. Kitchlew and Satyapal, it is a matter for regret that the accused were not tried by the ordinary courts. These views are accepted by the Government of India. The Military order prohibiting the employment of counsel from outside the Punjab is criticised as unwise and the action of the Government of India in disapproving it is commended.

38. The Committee examine at considerable length the nature of the martial law orders which were promulgated by military commanders in the Punjab. The majority find that some of the orders passed were injudicious and served no useful purpose. They criticise severely the 'crawling' order passed by General Dyer (which was disapproved by the Lieutenant-Governor as soon as it came to his notice), the 'salaming' order of General Campbell, and the 'roll call' imposed by Colonel Johnson on the students of Lahore. The Government of India agree that in the instances which the Committee cite with disapproval the action of the officers mentioned was unjustifiable and in some cases inflicted unnecessary humiliation, resulting in ill-feeling which has been a serious embarrassment to the administration. The flogging of six persons, the suspected assailants of Miss Sherwood, for a breach of fort discipline on the spot where that lady was assaulted is severely criticised and the Government of India agree that the action taken in this case was highly improper. In dealing with sentences of public flogging the Committee say that under martial law administration no flogging should take place in public. They find further that the number of flogging sentences was excessive, and though it was regarded as probably the most efficacious and convenient method of dealing summarily with minor breaches of martial law regulations, restrictions ought to be placed on the discretion of area officers in awarding sentences of this kind. They say, however, that there is no foundation for the allegation that whipping was inflicted in a cruel fashion and that several persons practically succumbed to it. These findings the Government of India entirely accept. The Committee then refer to the infliction by

summary courts of certain punishments not warranted by the law. Though these punishments were unsuitable, they were not generally of a serious nature and were often awarded in place of more severe legal punishments. The Government of India, however, disapprove of such fantastic penalties and have taken steps to prevent their being imposed in future.

39. The minority are more severe in their condemnation of the martial law administration. In addition to the criticisms already dealt with, they contend that many of the orders were issued for purely punitive purposes. They cite in particular the orders directing representatives of each ward in Lahore to appear daily before the commanding officer to ascertain his orders for the day. The curfew order, the regulation of prices, and the commandeering of motor cars, electric lights and fans from Indians are also criticised. We are not prepared to say that all these orders were without justification, but we consider that the administration of martial law in Lahore was in some respects unduly severe and exceeded its legitimate limits, that is to say, the requirements of the military situation and the maintenance of law and order. The minority condemn the order imposing on property-owners responsibility for the safety of martial law notices pasted on their houses. The Government of India are not prepared to say that in the circumstances this order was improper. The minority express their strong disapproval of the confinement of the professors and students of the Sanatan Dharm College because certain martial law notices had been destroyed. The Government of India agree that this order exceeded the necessity of the case. The minority further criticise and condemn the conduct of certain officers, notably Colonel O'Brien, Mr. Bosworth Smith and Mr. Jacob, for various orders passed by them in the administration of martial law. The Government of India agree that in the instances cited the officers mentioned acted injudiciously and in some cases improperly. While the findings of the minority report in regard to all these points are very cogent and in some cases fully justified, it must be remembered that officers charged with the administration of martial law cannot be expected to act in abnormal conditions with that care and circumspection which are possible in normal times, nor can such a standard be rigorously applied for the subsequent examination of their actions in the calm atmosphere of safety after order has been restored.

40. The minority in a separate chapter discuss the working of the courts under martial law. The flogging of some members of a marriage party in Lahore by an extra assistant commissioner is rightly condemned. The Punjab Government at once took action against the officer responsible for this abuse of power. The procedure of the summary courts is attacked as unsatisfactory. The Government of India do not think that when martial law is enforced summary courts can be required to observe the formalities of procedure which normally obtain. The minority comment more severely than the majority on the large number of persons arrested and discharged without trial. In the opinion of the Government of India arrest and detention for short periods are justifiable during a period of martial law as preventive measures to preserve the peace; further many of those arrested were not prosecuted subsequently because, though evidence was available, the necessary deterrent effect had already been secured by the conviction of a large number of persons for similar offences. Nevertheless, the Government of India consider that the arrest and detention for long periods of so many persons, and particularly of Dr. Kedar Nath, Mr. Gurdial Singh, Dr. Manohar Lal and six lawyers of Gurdaspur, were a serious error and while they do not overlook the difficulties of the situation, they are constrained to express their disapproval of the action taken in these cases.

In this connexion we cannot pass over in silence the allegations of corruption and ill-treatment of prisoners and witnesses on the part of subordinate officers of the police and other services to which wide currency has been given. We recognise the difficulty of sifting charges made so long after the event, but we will direct the local Government to undertake inquiries and take appropriate action in cases where specific complaints are made and action has not already been taken.

41. We accept the view that the administration of martial law in the Punjab was marred in particular instances by a misuse of power, by irregularities, and by injudicious and irresponsible acts. We further agree with the Committee that while the principle of the ultimate supremacy of the military authorities must be kept in view, still in practice executive instructions should be given to all officers who may be called upon to administer martial law, which will guide

them in the discharge of this duty. In our opinion it was the absence of such instructions which was responsible for many of the defects which have been noticed in the administration of martial law in the Punjab. It is to inexperience, ignorance of local conditions, and lack of guidance when confronted with an abnormal situation rather than to deliberate misuse of power that most of the mistakes committed must be ascribed. The Government of India consider that in any area in which in future it may be necessary to enforce martial law, senior civil officers should be appointed to act as advisers to the various military authorities. The military officer would not be bound in the last resort to follow the advice of his civil adviser but if he decided contrary to that advice, he would do so on his own responsibility. We regard the prevention of any future repetition of mistakes and irregularities as the most important lesson to be learnt from this portion of the report and we have accordingly decided to issue instructions which will secure this object, and will in particular discourage interference by the military authorities with the ordinary administration in excess of the necessities of the case.

42. Before leaving the subject of the working of the courts under martial law, the Government of India desire to refer to the action which was taken by the local Government, after order was restored and martial law withdrawn, to mitigate the effects of the sentences passed by these courts. Between the months of June and November sentences were reduced in 634 cases, 45 death sentences were commuted, and 43 persons were released. In November two High Court Judges were appointed to review all unexpired sentences passed by summary courts and such other cases tried by martial law commissions as might be referred to them by Government. In December, as a result of the reviewing Judges' recommendations, 92 persons convicted by summary courts were released, and further action of the same kind would have been taken, but on the 23rd of that month the Royal Proclamation with its message of amnesty was published, and under it clemency was extended to 857 prisoners who were released. By February, out of a total of 1,779 persons convicted in connexion with the disturbances, only 98 of the worst offenders, who had taken part in serious crimes of violence, remained in jail and this number has since been reduced to 88. The extension of clemency to political prisoners in the Punjab has been guided throughout by the generous and sympathetic recommendations of the Lieutenant Governor, whose efforts to restore a peaceful atmosphere within the province are gratefully acknowledged by the Government of India.

43. It now remains for the Government of India to endeavour to arrive at a just appreciation of the conduct of the officers of the Crown, whether civil or military, who were employed in the areas affected by these disorders and to make certain general remarks which appear to be essential before finally disposing of the Committee's report. The task of rightly estimating in a calm atmosphere, when order and peace have been restored, the behaviour of those faced with a grave emergency and compelled to arrive promptly at decisions of the greatest moment is one of unusual difficulty. The very qualities of courage and initiative, which are of incalculable value during the early stages of an outbreak, may in its latter stages be a source of injury, if not tempered by discretion. Moreover, any such estimate, if it is to be just, must not neglect the difficulty of deciding when to act and when to refrain from action, and must endeavour to view the whole position in a right perspective.

It was fortunate that, when the disturbances broke out in April 1919, the Punjab was in charge of a Lieutenant-Governor of great experience and courage. The Government of India consider that Sir Michael O'Dwyer acted with decision and vigour in a time of great danger and that he was largely responsible for quelling a dangerous rising which might have had widespread and disastrous effects on the rest of India.

Reviewing the situation as a whole, we desire to express our great appreciation of the admirable conduct of the troops who were employed in the suppression of the outbreak. Leaving aside individual instances, which have already been noticed, both officers and men acted with admirable restraint under most trying circumstances and the Government of India have nothing but praise and gratitude for the services which they rendered in suppressing disorder and restoring the peace of the country.

The officers of the civil administration of all classes and ranks in the affected areas generally maintained that high standard of conduct and devotion to

duty which the Government of India would have expected of them. Thanks are due not only to those who were immediately concerned in the restoration of order but also to those who by carrying on their ordinary duties with calmness and fortitude in a time of turmoil did much to restore the confidence of the people. The names of some of those officers who have been specially commended have already been referred to but if local Governments consider that there are other officers whose conduct merits special commendation, their names should be brought to notice at an early date

To those non-officials who either did their best to stay the agitation which had so sinister a connexion with the outbreak, or who by their influence and assistance helped the authorities to restore order, the grateful acknowledgments of the Government of India are due in full measure and local Governments will be asked to see that individual assistance of this kind does not go unacknowledged or unrewarded.

It is a great satisfaction to the Government of India to notice that there were many of all classes and creeds, who, in the face of frenzied mobs, and even at the risk of their lives, afforded assistance or showed compassion to the innocent victims of the outrages. Here again it is desired that all such actions shall be marked with a very definite acknowledgment or, in cases where such a course is suitable, be recompensed with a pecuniary reward.

44. The names of officers whose actions have been rightly criticized or condemned have been mentioned in the body of this despatch and local Governments will be requested to take such action as may be necessary to mark in these cases the disapprobation of the Government of India.

The case of General Dyer calls for separate mention. We have given most anxious consideration to the action of this officer at Jallianwala Bagh. We are satisfied that it was bona fide and dictated by a stern though misconceived sense of duty. The facts are abundantly clear. General Dyer has made no attempt to minimize his responsibility for the tragedy nor even to put a favourable complexion on his action or purpose. The only justification that could be pleaded for his conduct would be military necessity arising out of the situation before him and in the area under his jurisdiction. In circumstances such as General Dyer was confronted with, an officer must act honestly and vigorously but with as much humanity as the case will permit. We recognize that in the face of a great crisis an officer may be thrown temporarily off the balance of his judgment and that much allowance must be made on this account. We recognize further that, however injurious in its ultimate effect General Dyer's action may have been, it resulted in an immediate discouragement of the forces of disorder. Nor have we overlooked our Resolution in which we promised full countenance and support to officers engaged in the onerous duty of suppressing disorder. Nevertheless, after carefully weighing all these factors, we can arrive at no other conclusion than that at Jallianwala Bagh General Dyer acted beyond the necessity of the case, beyond what any reasonable man could have thought to be necessary, and that he did not act with as much humanity as the case permitted. It is with pain that we arrive at this conclusion, for we are not forgetful of General Dyer's distinguished record as a soldier or of his gallant relief of the garrison at Thal during the recent Afghan war. We must however direct that the judgment above pronounced be communicated to His Excellency the Commander-in-Chief with the request that he will take appropriate action.

45. We have on several occasions expressed our very great regret for the loss of life, European and Indian, which occurred in the disturbances and our sympathy with those who are left to mourn the victims of these unhappy events. We desire once again to convey regret and sympathy to all who have thus suffered. Compensation, so far as this can be any reparation, has been awarded to those to whom compensation was due under the law, and adequate provision has been, or will be, made for the dependents of Government servants who have lost their lives in the disturbances. The Punjab Government will also be enjoined to consider the cases of persons who have been left in want through the death or permanent injury of their supporters at Jallianwala Bagh, and to supplement, if necessary, any assistance that may have been rendered to such persons by local charity organisations.

46. We have now surveyed all the conclusions of the Committee. There remains, in our opinion, one lesson of supreme importance to be drawn from the

events of April 1919. It will be impossible to dissociate memories of these disorders from the civil disobedience movement which was their chief immediate cause. When this movement was initiated, it was apparently not obvious to its promoters, as it was to all thoughtful persons, that in India in its present state of development (whatever may be the case in other countries) the unsettling effect of advice to the public in general to break selected laws was likely to lead to a situation which might involve the overthrow of all law and order. The bitter experience of last year removes this question from the category of doubt, and those who henceforth inaugurate such movements from whatever motives, cannot feel uncertain as to the consequences of invoking forces which they can neither direct nor control. We can only hope that this lesson has been learnt once for all, and that in the future all right-thinking persons will set their faces firmly against the deliberate playing with fire which is involved in the promotion of such movements.

Finally, we desire to express here our earnest hope that the lesson to be learned from these events is not of a merely negative character. Since the period which has formed the subject of this enquiry a new era has been inaugurated in India and the change has given occasion to a gracious proclamation by the King-Emperor, which has appealed to the hearts of all his subjects in India. We venture to recall at this time the salient feature in this gracious message; we feel confident that the earnest desire expressed by the King-Emperor that any trace of bitterness between his people and those responsible for his Government should be obliterated, will not pass unheeded.

17. In conclusion, we desire to express our thanks to Lord Hunter and the members of his Committee for the great ability and painstaking labour they have bestowed on an enquiry which from its very inception must have been a most difficult and seemingly thankless task, and for their report which has cleared up much that was in doubt and dispute, and which has been of the utmost service to us in arriving at just conclusions on the many questions that called for decision.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

(Signed) CHELMSFORD.
" C. C. MONRO.
" G. S. BARNES.
" W. H. VINCENT.
" M. SHAFI.
" W. M. HAILEY.
" T. H. HOLLAND.
" A. P. MUDDIMAN.

INDIA OFFICE, LONDON,
The 26th May 1920.

No. 108-PUBLIC.

To HIS EXCELLENCY THE RIGHT HON'BLE THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

MY LORD,

His Majesty's Government have considered the report of Lord Hunter's Committee upon the disturbances which occurred in the Punjab and other parts of India in the early part of last year. They have further been informed by me of the conclusions at which Your Excellency's Government had arrived in your own review of the report as expressed in your letter dated the 3rd May the text of which you have telegraphed to me. The report and your letter naturally cover ground which His Majesty's Government did not feel called upon to survey in detail, but their consideration of the matter has led them to definite decisions upon certain of the more important questions arising out of the report, and they have desired me to communicate to you in my reply to your letter their considered statement of these decisions. The paragraphs numbered 2 to 8 of this despatch contain accordingly this statement.

2. *General.*—The report of Lord Hunter's Committee presents the results of a prolonged and patient investigation. Their labours would be of little value if their very complete and careful findings are not put to a practical use. The conclusions here recorded have been inspired in the main by the belief that the chief duty which lies upon His Majesty's Government and the Government of India in utilizing the report is not primarily to apportion blame to individuals for what has been done amiss or to visit penalties upon them, but rather to prevent the recurrence in the future of occasion for blame or regret should unfortunate circumstances ever produce again a situation such as that which occurred in India in the spring of 1919.

3. *The conduct of Brigadier-General Dyer at Amritsar on April the 13th.*—The main features of the occurrences at Jallianwala Bagh in Amritsar City on the afternoon of April the 13, 1919, are well known. They are set out at length in Lord Hunter's report and appear in minute detail in the evidence, both written and oral, given before the Committee by Brigadier-General Dyer himself, the full and authorized text of which is now available to the public. As to the facts, there is no doubt and no dispute, and it is only necessary here to recapitulate them very briefly in their baldest form. On the morning of April the 13 Brigadier-General Dyer, who had arrived at Amritsar on the night of the 11th, issued a proclamation forbidding inter alia processions to parade in or outside the city and declaring that 'any such procession or gathering of four men will be looked upon and treated as an unlawful assembly and dispersed by force of arms if necessary'. This proclamation was read out at various places in the city, in the course of the progress through the streets of a column of troops led by Brigadier-General Dyer personally, who left his quarters about 9 a.m. for this purpose and returned to them about 1-30 p.m. About an hour before his return to his quarters in Ram Bagh Brigadier-General Dyer had heard that despite his proclamation it was intended to hold a large meeting at Jallianwala Bagh at 4-30 that afternoon, and at 4 p.m. he received a message that a crowd of about 1,000 had already assembled there. Shortly after 4 p.m. Brigadier-General Dyer marched from Ram Bagh with picketing parties (as he had previously determined to picket the main gates of the city) and with a special party consisting of 50 Indian Infantry armed with rifles, 40 Indian Infantry armed only with 'Kukris' (type of sword), and two armoured cars. He proceeded straight to Jallianwala Bagh dropping his picket parties en route and on arrival marched his infantry through a narrow lane into the Bagh and deployed them immediately right and left of the entrance. The armoured cars he left outside, as the lane was too narrow to admit them. Having deployed his troops Brigadier-General Dyer at once gave orders to open fire and continued a controlled fire on the dense crowd facing him in the enclosure (which he estimated at about 5,000 persons) for some 10 minutes until his ammunition supply was at the point of exhaustion. 1,650 rounds of ·303 mark VI ammunition were fired. The fatal casualties as the result of this action are believed to be 379; the number wounded has not been exactly ascertained, but is estimated by Lord Hunter's Committee at possibly three times the number of deaths. Immediately after giving orders to cease fire, Brigadier-General Dyer marched his troops back to Ram Bagh. The

reasons given by General Dyer for the severity and duration of his fire are stated as follows in his written statement furnished to the General Staff (16th Indian Division) and subsequently laid before Lord Hunter's Committee: "We cannot be very brave unless we be possessed of a greater fear. I had considered the matter from every point of view. My duty and my military instincts told me to fire. My conscience was also clear on that point. What faced me was, what on the morrow would be the 'Danda Fauj' (this, which may be translated as bludgeon army, was the name given to themselves by the rioters in Lahore). I fired and continued to fire until the crowd dispersed, and I consider this is the least amount of firing which would produce the necessary moral and widespread effect it was my duty to produce if I was to justify my action. If more troops had been at hand, the casualties would have been greater in proportion. *It was no longer a question of merely dispersing the crowd*, but one of producing a sufficient moral effect, from a military point of view, not only on those who were present, but more especially throughout the Punjab. There could be no question of undue severity."

The principle which has consistently governed the policy of His Majesty's Government, in directing the methods to be employed, when military action in support of the civil authority is required, may be broadly stated as using the minimum force necessary. His Majesty's Government are determined that this principle shall remain the primary factor of policy whenever circumstances unfortunately necessitate the suppression of civil disorder by military force within the British Empire.

It must regretfully but without possibility of doubt be concluded that Brigadier-General Dyer's action at Jallianwala Bagh was in complete violation of this principle. The task which confronted him was to disperse by force if necessary a large but apparently unarmed assembly which had gathered in defiance of his orders. It is possible that considering the strength of the military force at his disposal, the size of the crowd, and the general temper and attitude of the inhabitants of the city, he would have found it impossible to achieve this task effectively and completely without some firing and without causing some loss of life. But it is certain that he made no attempt to ascertain the minimum amount of force which he was compelled to employ, that the force which he actually employed was greatly in excess of that required to achieve the dispersal of the crowd, and that it resulted in lamentable and unnecessary loss of life and suffering. But this is not a full statement of Brigadier-General Dyer's error. There can be no doubt that large numbers of people in the assembly, many of whom were visitors to the city from surrounding villages, were ignorant of the existence of his proclamation and the danger which they ran by attending the gathering. The proclamation was published in only a portion of the city, that portion being some distance from the scene of the meeting, and no warning of any kind was given before fire was opened. It would be unfair, considering the state of the city, the heat of the weather and the strain to which the troops under General Dyer's command had been subjected since their arrival in the city to lay too great stress upon the first point, but the omission to give warning before fire was opened is inexcusable. Further, that Brigadier-General Dyer should have taken no steps to see that some attempt was made to give medical assistance to the dying and the wounded was an omission from his obvious duty. But the gravest feature of the case against Brigadier-General Dyer is his avowed conception of his duty in the circumstances which confronted him.

His Majesty's Government repudiate emphatically the doctrine upon which Brigadier-General Dyer based his action—action which to judge from his own statement might have taken an even more drastic form had he had a larger force at his disposal and had a physical accident not prevented him from using his armoured cars. They have not overlooked the extreme gravity of the situation as it presented itself to the authorities in India generally and to Brigadier-General Dyer in particular on April the 13 nor have they failed to appreciate the immensity of the responsibility which Brigadier-General Dyer felt and rightly felt to be imposed upon him by that situation. They think it is possible that the danger to the lives of Europeans and to the safety of the British and Indian troops was greater than appears from the Committee's report. In Amritsar itself violent murder and arson of the most savage description had occurred three days previously and the city was still practically in possession of the mob. From the surrounding country-side reports were hourly being received of similar violent outbreaks and attacks upon communications, and the deficiencies in these reports (due to the success of the attacks on communications) were supplemented by rumours which there was little means of verifying and as little

ground for disbelieving. In discharging this responsibility with the small force at his disposal Brigadier-General Dyer naturally could not dismiss from his mind the conditions in the Punjab generally and he was entitled to lay his plans with reference to those conditions. But he was not entitled to select for condign punishment an unarmed crowd which, when he inflicted that punishment, had committed no act of violence, had made no attempt to oppose him by force, and many members of which must have been unaware that they were disobeying his commands.

In passing judgment upon Brigadier-General Dyer for his action on April the 13th, it is impossible to disregard an order which he passed some six days later, and which has become generally known as the "crawling order." It is unnecessary here to repeat the nature of this order or the circumstances out of which it arose. Had the order been carried out as a punishment upon the persons actually guilty of the crime, which it was designed to stigmatise, it would have been difficult to defend; inflicted as it was upon persons who had no connexion with that crime, with the object of impressing upon the public of Amritsar through the humiliation of those persons the enormity of the crime committed by certain individuals of that public, the order offended against every canon of civilised Government.

Upon a military commander administering martial law in a hostile country there lies a grave responsibility; when he is compelled to exercise this responsibility over a population which owes allegiance and looks for protection to the Government which he himself is serving, this burden is immeasurably enhanced It would prejudice the public safety, with the preservation of which he is charged, to fetter his free judgment or action either by the prescription of rigid rules before the event or by over-censorious criticism when the crisis is past. A situation which is essentially military must be dealt with in the light of military considerations, which postulate breadth of view and due appreciation of all the possible contingencies. There are certain standards of conduct which no civilised Government can with impunity neglect, and which His Majesty's Government are determined to uphold. Subject to the due observance of those standards, an officer administering martial law must, and will, remain free to carry out the task imposed upon him in the manner which his judgment dictates to him as best and most effective, and may rely upon the unqualified support of his superiors when his task has been accomplished.

That Brigadier-General Dyer displayed honesty of purpose and unflinching adherence to his conception of his duty cannot for a moment be questioned. But his conception of his duty in the circumstances in which he was placed was so fundamentally at variance with that which His Majesty's Government have a right to expect from and a duty to enforce upon officers who hold His Majesty's commission, that it is impossible to regard him as fitted to remain entrusted with the responsibilities which his rank and position impose upon him. You have reported to me that the Commander-in-Chief has directed Brigadier-General Dyer to resign his appointment as Brigade Commander and has informed him that he would receive no further employment in India, and that you have concurred I approve this decision and the circumstances of the case have been referred to the Army Council.

4. *The justification for the declaration and continuance of martial law.*—There are no grounds for questioning the decision of the majority of Lord Hunter's Committee that the declaration of martial law and the partial supersession of the ordinary tribunals in the districts of the Punjab in which martial law was applied were justified (Chapter XI, paragraph 17). As regards the dates to which it was prolonged, it is obvious that the institution of martial law involves the responsibility of deciding when it is to be revoked. The general principle is clear that martial law should remain in force no longer than the public safety demands, but beyond this there are no hard and fast criteria which can govern this decision, and a retrospective judgment in the light of after-events is not permissible. The fact that open disorder had ceased some time before martial law was revoked may have been due to the existence of martial law and its earlier abrogation might have been followed by a recrudescence. Looking back in the light of events, it is permissible to argue that an earlier abrogation was possible, though His Majesty's Government can feel little doubt that this argument would have been less pressed than it has been, had there been no grounds for complaint of the manner in which in some cases martial law was administered. But it is not permissible to condemn the authorities responsible for the decisions taken, who had to rely only on their anticipation of the future.

5. *The justification for Ordinance IV of* 1919 *giving the Martial Law Commissions jurisdiction to try any offence committed on or after March the* 30*th.*—The legality of

this ordinance is not a point at issue; that question has been recently determined by the Judicial Committee of the Privy Council. Nor is there any valid reason to question the propriety, when (as was the case here) it can legally be done, of antedating the effect of an enactment setting up special martial law tribunals and procedure, so as to bring within their jurisdiction persons charged with overt acts of violence, which were the immediate cause of and justification for the declaration of martial law. The original ordinance setting up Martial Law Commissions in the Lahore and Amritsar Districts gave the Commissions jurisdiction to try offences committed on or after April the 13th. Had this date remained unamended, it would have been impossible to try by Commission persons charged with actual participation in the murders, incendiarism, and destruction of property which occurred on April the 10th at Amritsar, or persons charged with participation in the riots at Lahore on April the 10th, 11th and 12th, and in the murders at Kasur on the 12th; and if the Government of India with the legal power at their disposal had neglected to correct the anomaly to this extent, they would have omitted an obvious and necessary step towards the rapid restoration of normal conditions. But the use of the power which the ordinance gave in order to apply the special martial law method of trial to persons whose offence consisted in newspaper articles and speeches which were not demonstrably and immediately the cause of the outbreak of open disorder stands on an entirely different footing and the terms "unfortunate" and "imprudent" which the majority of Lord Hunter's Committee applied to this policy are at all events not exaggerated criticism.

Taking into consideration the acts committed under Ordinance IV of 1919, which it is impossible not to disavow, His Majesty's Government can feel little doubt that the terms of the ordinance itself were too wide, and that the drafting of any future ordinance of a similar kind should ensure due limits to its application.

6. *Administration of Martial Law.*—There is one question with regard to which it is impossible to avoid the conclusion that the majority of Lord Hunter's Committee have failed to express themselves in terms which, unfortunately, the facts not only justify but necessitate. In paragraphs 16 to 25 of Chapter XII of their report the majority have dealt with the "intensive" form generally which martial law assumed, and with certain specified instances of undue severity and of improper punishments or orders. It is unnecessary to recapitulate the instances which the Committee have enumerated in detail in both their reports, nor would any useful purpose be served by attempting to assess, with a view to penalties, the culpability of individual officers who were responsible for these orders, but whose conduct in other respects may have been free from blame or actually commendable. But His Majesty's Government must express strong disapproval of these orders and punishments, and ask me to leave to you the duty of seeing that this disapproval shall be unmistakably marked by censure or other action which seems to you necessary upon those who were responsible for them. The instances cited by the Committee gave justifiable ground for the assertion that the administration of martial law in the Punjab was marred by a spirit which prompted—not generally, but unfortunately nor uncommonly—the enforcement of punishments and orders calculated, if not intended, to humiliate Indians as a race, to cause unwarranted inconvenience amounting on occasions to injustice, and to flout the standards of propriety and humanity, which the inhabitants not only of India in particular but of the civilised world in general have a right to demand of those set in authority over them. It is a matter for regret that, notwithstanding the conduct of the majority, there should have been some officers in the Punjab who appear to have overlooked the fact that they were administering martial law, not in order to subdue the population of a hostile country temporarily occupied as an act of war, but in order to deal promptly with those who had disturbed the peace of a population owing allegiance to the King Emperor, and in the main profoundly loyal to that allegiance. It is difficult to believe that this would have occurred had the civil authority been able to retain a larger measure of contact with the administration of martial law, and it is of paramount importance, if in the future it should unfortunately be necessary to have recourse to martial law, that some system should be devised which will secure such contact effectively.

A review of the methods and results of the trials by the summary procedure of martial law tribunals would be uncalled for. It is not, however, improper to observe that marked attention has been directed to its disadvantages, and to the extreme divergence between the sentences required by the charges as presented to those courts and by the dictates of justice as they presented themselves to the reviewing authorities. It is to be hoped that, as a result of the experience thus

gained, means will be devised whereby martial law tribunals can be improved if they have again to be employed.

7. *The use of bombing aeroplanes at Gujranwala.*—With regard to the use of bombing aeroplanes at Gujranwala on April the 14th, the majority of Lord Hunter's Committee expressed their views as follows: "As to the use of bombs from aeroplanes we do not think that this would be defended by any one save in cases of urgent need, in the absence of other means, and under the strictest limitations even than. In our opinion the first two of these conditions were present in full force"..... "We are not prepared to lay down as a charter for rioters that when they succeed in preventing the ordinary resources of Government from being utilized to suppress them, they are to be exempt from having to reckon with such resources as remain." They then proceed to state that no blame can be imputed to the flying officers concerned for carrying out the instructions given to them, but that the action taken under the instructions given illustrates their defectiveness, and they conclude by a recommendation that the formulation of instructions to be given to flying officers in future in similar circumstances should form the subject of careful investigation.

In formulating these conclusions, His Majesty's Government desire to state clearly that reconnaissance, communications, propaganda-dropping and moral effect summarise the normal and correct use of aircraft under conditions of unrest in normally peaceful countries. But emergencies may occur when, owing to distances, or damage to communications, or both, and the progress of murderous mob violence and arson, which there is no other means of checking, exceptions from this general position are not only justified but necessary. It is impossible to guarantee by general or special instructions that machine guns or bombs will affect only the crowd which would be justifiably fired upon if troops were available on the ground. But in future explicit orders must be required for the employment of armed aircraft in such emergencies: these orders should be issued in writing by a civil authority, and should authorize only a limited amount of bombing and machine gunfire to be employed to overawe mobs, which are, so far as the airmen can judge, actually engaged in crimes of violence. The Government will see to it that instructions on these lines are issued as soon as possible. They regretfully agree with Lord Hunter's Committee that the instructions issued to the airmen who visited Gujranwala on this occasion left much to be desired in precision.

8. *Sir Michael O'Dwyer.*—It follows from what has been said in earlier paragraphs that on certain points arising out of this enquiry His Majesty's Government do not regard Sir Michael O'Dwyer as immune from criticism. Thus they cannot endorse the unqualified approval which he accorded on insufficient information to the action of Brigadier-General Dyer at Jallianwala Bagh and they think it unfortunate that he did not adhere at the time to his first impulse to withhold both praise and blame on a matter with which as a civil officer he was not in the circumstances directly concerned. The motives which evidently prompted him to adopt another attitude and to maintain that attitude subsequently and in the light of fuller knowledge are less open to criticism.

Secondly, the opinion already expressed on the application of martial law procedure to certain trials must be taken as applying to Sir Michael O'Dwyer in so far as he was personally responsible for the action in question. As regards the administration of martial law generally Sir Michael O'Dwyer had evidently contemplated arrangements by which civil officers would be accorded a recognized position to advise on military administration, and the martial law manual which your Government have under consideration should ensure that in future this plan is brought into operation.

With the general question of Sir Michael O'Dwyer's administration of the Punjab His Majesty's Government are not now immediately concerned. They recognize that it has formed the subject of much controversy in India and that a widespread impression has been engineered that the Punjab Government under his direction was hostile to the educated classes and was determined to suppress not only illegitimate but also legitimate and constitutional political agitation. While they sincerely trust that this atmosphere may be dispelled, they are fully conscious of the difficulties of the situation with which he was faced. Conspiracy, the activity of enemy agents, the rise in the cost of living and the necessity of furnishing the bulk of the vast number of recruits for the Indian Army which the needs of the Empire required, though fortunately powerless to disturb the loyalty of the province as a whole, caused constant anxiety throughout his term of office. That term is now closed, a long and honoured connexion with India is ended,

and His Majesty's Government desire here to pay a tribute to the great energy, decision and courage which Sir Michael O'Dwyer brought to his task through a period of exceptional difficulty and to express their appreciation of his services.

9. As to the conclusions which Your Excellency's Government have recorded on other matters arising out of this report, I am glad to find that I am in general accord with your views save in so far as otherwise appears from the foregoing paragraphs, and I have little further to add at the present moment. Your Excellency's Government will, however, understand that the publication of documents in which the public, both in India and in this country, is vitally interested is not necessarily a final settlement of all the large questions involved. In particular I shall expect you to submit for my early approval the draft of the martial law manual which you have under consideration. To this matter I attach the utmost importance. I need hardly say that I most earnestly trust that occasion may never arise for the enforcement of such rules. But this enquiry will have served a valuable purpose if it results in the enactment of a code of regulations calculated to ensure, so far as human foresight can serve, a system of administration which is at once adequate to repress disorder, to secure the speedy, just and fitting punishment of its promoters, and which yet subverts no more than the fulfilment of these requirements necessitates the ordinary rights and course of life of the people at large, and adheres to the processes of civil justice and Government. For in view of conditions which threaten the existence of the State, martial law is a necessary remedy, but it is a remedy which unless applied with wisdom and good judgment loses its value. It is therefore incumbent upon us to do all in our power to prevent the depreciation of its value by misuse. The same observations apply in my judgment to deportation, an expedient which in its present form it is so notoriously difficult to employ and the effects of which are so incapable of exact estimation.

10. His Majesty's Government found it necessary to criticize in strong terms the conduct of certain officers charged with the administration of martial law and Your Excellency's Government have indicated that all proved cases of abuse of their powers on the part of subordinate officers of the police and other services will receive due notice. But these exceptions apart His Majesty's Government desire me to express to you in no uncertain terms their warm endorsement of your appreciation of the conduct of officers and men, both civil and military, both British and Indian, upon whom fell the heavy task of assisting the people of India to recover their fair name for loyalty and orderliness. The burden thus imposed upon officers and men of His Majesty's British and Indian armies, of his police force and of his civil services who had already borne with fortitude but not without fatigue the trials and strain arising from a long drawn war, was a heavy one. In setting themselves to their task these men proved true to the great traditions of their services.

His Majesty's Government wish further to express the profound regret which they, equally with Your Excellency's Government, feel for the loss of life which these disturbances occasioned, and their deep sympathy with those to whom the events have brought personal bereavement.

11. In conclusion I am glad to have this opportunity of assuring Your Excellency of the sense of obligation which His Majesty's Government feel to you personally for the manner in which you have fulfilled Your high trust. Great as is always the burden borne by the Governor-General of India, worldwide circumstances have combined to lay upon you a degree of anxiety such as has only at long intervals fallen upon any of your illustrious predecessors. His Majesty's Government desire that you should be fortified by the knowledge that they continue to repose the fullest confidence in Your Excellency's discretion, inspired as they feel certain it has constantly been by the single aim of the good of the peoples whose Government is committed to your charge.

I have the honour to be,

My Lord,

Your Lordship's most obedient humble Servant,

(Sd.) EDWIN S. MONTAGU.

(By order of His Excellency the Governor in Council)

R. A. GRAHAM,
Acting Chief Secretary.

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